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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/379,148	08/21/99	NAEDLER	NAED001

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EXAMINER

NGUYEN, L

ART UNIT

PAPER NUMBER

3617

DATE MAILED:

10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/379,148

Applicant(s)
Naedler

Examiner
Long Nguyen

Group Art Unit
3617



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-15, and 17-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-15, and 17-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-15, and 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, 9, and 19, the phrase "dynamic" in line 17 of claims 1 and 9 and in line 16 of claim 19 is inferentially claimed which renders the claim to be indefinite. Examiner is uncertain as to what the term dynamic means within the context of the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 7, 9-12, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Naedler (U.S. Patent 5,769,979 as cited by applicant).

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With respect to claims 1, 9, and 19, Naedler '979 discloses a tire inflation system in Figure 3 wherein the improvement comprises a first rotary union member 20, a second rotary union member (near reference character 52 a), a flexible tube 42a, a first and a second seal ring, and each of the elongate openings closely receiving a substantial length of an end of the tube so that flexing of the tube compensates for misalignment while minimizing risk of distortion of the seal rings. Although Naedler discloses the tube to be made from preferably metal, there is a small inherent flexibility within the elongated member and that the tube can be bent in different paths.

With respect to claim 3, Naedler '979 discloses a tire inflation system wherein the first seal ring is dynamic in Figure 1.

With respect to claim 4, Naedler '979 discloses a tire inflation system wherein the second seal ring is dynamic in Figure 1.

With respect to claim 5, Naedler '979 discloses a tire inflation system wherein both seal rings are dynamic.

With respect to claim 7, Naedler '979 discloses a tire inflation system wherein the second member is mounted on the hub cap for removal from the outside thereof.

With respect to claim 10, Naedler '979 discloses a tire inflation system wherein the end of one opening has a bell-mouth (near reference character 30a in Figure 4) to receive the one-end of the flexible tube during installation.

With respect to claim 11, Naedler '979 discloses a tire inflation system wherein the other seal ring as being static.

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With respect to claim 12, Naedler '979 discloses a tire inflation system wherein the other seal ring surrounds the second end of the tube to serve as a second dynamic seal during rotation of the hub cap in relation to the axle, and the opening adjacent to the other seal closely receives a sufficient length of the other end of the tube so that misalignment between the first and second members is compensated for by flexure in the tube to minimize distortion of the second dynamic seal.

With respect to claim 20, Naedler '979 discloses a tire inflation system wherein the first seal ring is dynamic and the second seal ring is static.

With respect to claim 21, Naedler '979 discloses a tire inflation system wherein the second seal ring is dynamic and the first seal ring is static.

With respect to claim 22, Naedler '979 discloses a tire inflation system wherein the first and second seal rings are dynamic.

Allowable Subject Matter

5. Claims 6, 8, 13-15, 17-18, and 23-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ingram (U.S. Patent No. 6,105,645), Bitonti, Bland, Schubert, and Hazelbaker are cited to show a tire inflation system with connecting tubes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B. Nguyen whose telephone number is (703) 305-5201 and fax number is (703) 308-3297.

lbn

October 9, 2000



S. JOSEPH MORANO
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